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**PATENT APPLICATION
ATTORNEY DOCKET NO. 10990852-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Charles J. Gazdik et al.

Confirmation No.: 1450

Application No.: 09/304,968

Examiner: Douglas Tran

Filing Date: 05/04/99

Group Art Unit: 2624

Title: Creating Operating System Fonts from Printer Font Metrics

**COMMISSIONER FOR PATENTS
WASHINGTON, D. C. 20231**

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APPELLANTS' APPEAL BRIEF

Sir:

REAL PARTY IN INTEREST

The real party in interest in this appeal is HEWLETT-PACKARD COMPANY.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences which will directly affect or be directly affected by, or have a bearing on, the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-20 are pending and appealed.

STATUS OF AMENDMENTS

No amendment was filed subsequent to final rejection of the claims.

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SUMMARY OF THE INVENTION

The invention relates to creating an operating system font where a set of font metrics for the font is known. A set of font metrics for a font typically includes a selection string, character set, point size, scalability, width, and height of the printer font and whether the printer font is bolded, italicized, or both. A selection string is a string used to select the printer font from those printer fonts residing in a printer.

Font metrics for a font are read from a printer metrics file, which, for printers and printer fonts, is often the only information about the font accessible by an operating system. Printer metrics files each contain information about one or more printer fonts. Information about each font is grouped into a set of font metrics.

An operating system font is then created using the printer metrics. The operating system font may then be used to represent the printer font to a user of the operating system.

One method by which the system font may be created is by applying the font metrics to a font template. A font template is a file that includes all of the information necessary to create an operating system font, except for the information contained in the set of font metrics retrieved from a printer metrics file. The font template with the applied font metrics is saved as a system font. The system font is then installed and registered with the operating system.

ISSUES

The issue presented on appeal is:

(1) Whether claims 1-20 are anticipated under 35 U.S.C. 102(e) by Simon et al., U.S. Patent Number 6,065,008.

GROUPING OF CLAIMS

Claims 1-20, as a group, have been rejected as anticipated under 35 U.S.C. §102(e) by Simon et al., U.S. Patent Number 6,065,008.

The claims of the group do not stand or fall together. Appellants consider claims 3, 10, and 16 to be separately patentable from the remaining claims.

ARGUMENT

1. **Whether claims 1-20 are anticipated under 35 U.S.C. 102(e) by Simon et al., U.S. Patent Number 6,065,008.**

The Simon Patent (6,065,008)

Simon discloses a system and method for securely delivering font subsets to a client. A font subset is a subset of the glyphs and display information of a font, allowing the subset of glyphs to be used and displayed. The system Simon describes includes a font creator, a font distributor, and a client (col. 3, lines 50-52). The font creator develops digitally signed font files from fonts by invoking a signing module to digitally sign the font files. The signing module constructs an authentication tree for a font, digitally signs the root of the authentication tree, and stores the digital signature along with the font in a font file (col. 4, lines 16-31).

Simon does not disclose how the font was created for which the signing module constructs the authentication tree. In particular, Simon does not disclose the signing module creating the font for which the signing module constructs the authentication tree.

The font distributor receives the font file created by the font creator and distributes the digitally signed font file, or a subset of that file, to the client (col. 3, line 57 - col. 4, line 10). After receiving the digitally signed font file or subset of the digitally signed font file, the client stores the file in memory (col. 5, lines 28-29). The client then verifies the authenticity of the font file or font subset file. To verify the authenticity of the font file or font subset file, the client executes an operating system, which contains an authentication module (col. 5, lines 14-26). The authentication module reconstructs the root of the authentication tree and the authentication values contained in the font subset file (col. 5, lines 29-32).

The authentication module produces the unsigned root by applying a public key to the digitally signed root contained in the signature field of the font file. The authentication module uses the data glyphs from the content field of the font file and the authentication values from the authentication field of the font file to reconstruct the authentication tree for the whole font file. (Col. 8, lines 26-33). The

authentication module does not reconstruct the font, only the root of the authentication tree and the authentication values.

Simon discloses reading only the digitally signed root from the signature field, the data glyphs from the content field, and the authentication values from the authentication field of the font file or font subset file. A "glyph" is an exact shape or outline of a character form (col. 1, lines 26-30).

Simon does not disclose reading a set of font metrics from the font file or font subset file. As described in Applicants' specification, a set of font metrics typically includes a selection string, character set, point size, scalability, width, and height of printer font and whether printer font is bolded, italicized, or both. A selection string is a string used to select the printer font from those printer fonts residing in a printer.

Neither the digitally signed root, the data glyphs, nor the authentication values are a set of font metrics. Nor do the digitally signed root, the data glyphs, or the authentication values contain the same information as a set of font metrics.

The authentication module compares the unsigned root from the font subset file and the reconstructed root. If the roots match, the file is authenticated. If they do not, the file is not authenticated. The operating system of the client can choose to use the font file or font subset file even if it is not authenticated (col. 5, line. 33-35 and col. 8, lines 53-65).

The authentication module does nothing more than verify the authenticity of the font file or font subset file. It does so by reconstructing the root of the authentication tree and the authentication values contained in the font file or font subset file and then comparing them to an unsigned root contained in the font file or font subset file.

Simon describes a method and system whereby a font or a font subset is copied from one computer to another with a verification process. Nowhere in the system and method described by Simon is a font created from a set of font metrics

Applicants' Invention *vis-à-vis* Simon

Applicants' invention is a system and method for creating an operating system font where a set of font metrics for the font is known. Font metrics for a font are read

from a printer metrics file, which, for printers and printer fonts, is often the only information about the font accessible by an operating system. An operating system font is then created using the printer metrics. The operating system font may then be used to represent the printer font to a user of the operating system.

This sharply contrasts with Simon where the entire font or font subset is known and a file containing the font or font subset is merely distributed and authenticated. Simon has no reason to use, and does not disclose using, font metrics to create a font, as all the information about the font is available and known.

Claims 1-20

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as anticipated by Simon et al., U.S. Patent Number 6,065,008.

To justify the rejection, the Examiner contends that the authentication module carries out the steps of opening a printer metrics file, reading a set of font metrics from the printer metrics file, and creating an operating system font from the one read set of font metrics. There are several errors in this contention.

Simon does not disclose opening a printer metrics file. The file opened in Simon is a font file or a font subset file. The Examiner suggests that the font file disclosed by Simon is analogous to the printer metric file of Applicants' claims. The Examiner states that if the font file is not a printer metrics file, the font file has the same characteristics as the printer metrics file because the font file has elements included in the printer metrics file such as set of characters with the typeface, style, scalability, stroke weight, and size.

The font file or font subset file contains all of the information about the font or a subset of the font for using and displaying the font or font subset. Conversely, a printer metrics file contains information about one or more printer fonts. Information about each font is grouped into a set of font metrics. The printer metrics file does not have enough information to use and display the font. A printer metrics file does not contain glyphs or outlines of the characters of the font. Since the font file and font subset file disclosed in Simon each contain glyph data, they cannot be printer metrics files.

Simon also does not disclose reading a set of font metrics. Simon instead discloses reading only the digitally signed root from the signature field, the data glyphs from the content field, and the authentication values from the authentication field of the font file or font subset file. Neither the digitally signed root, the data glyphs, nor the authentication values are font metrics or a set of font metrics.

While the Examiner states that the signing module of Simon would inherently read information from the font file of Simon, nowhere does Simon specifically disclose reading a set of font metrics from the font file. Furthermore, given the purpose of Simon, to securely distribute a font subset, there is no reason for the method disclosed in Simon to read a set of font metrics from the font file. Reading the font metrics is neither necessary to subsetting a font, nor authentication of the font subset.

Additionally, since Simon does not disclose reading a set of font metrics, Simon also does not disclose creating an operating system font from a set of font metrics. Nothing in Simon indicates that a font or font subset was created from font metrics.

Furthermore, Simon does not even disclose creating a font. Simon discloses only subsetting the font, creating a font file or a font subset file from the font, distributing the font to a client, and authenticating the font or font subset.

Claims 3, 10, and 16

Applicants consider claims 3, 10, and 16 to be separately patentable from the remaining claims. Claims 3, 10, and 16 are dependent claims to claims 1, 8, and 14, respectively. In addition to those errors argued above, the Examiner has made errors related to the evaluation of claims 3, 10, and 16 with respect to Simon. Therefore, claims 3, 10, and 16 should be allowable, if rewritten in independent form including all of the limitations of their respective base claims, even if their respective base claims are not allowable.

As to claims 3, 10, and 16, Simon does not disclose applying font metrics to a font template and saving them together as a font.

The Examiner suggests that the signing module would inherently apply a set of read font metrics to a font template and save them as an operating system font. The Examiner further suggests that glyph outlines would be an analog to the font template of Applicants' claims.

Simon does not even disclose the signing module applying printer metrics to glyph outlines and saving them as a font. The Examiner has not presented any explanation to suggest that the signing module would inherently apply a set of read font metrics to glyph outlines and save them as an operating system font.

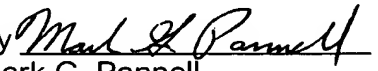
Additionally, Simon does not disclose the signing module reading any font metrics, nor applying them to anything. As discussed above, the signing module of Simon merely constructs an authentication tree for a font, digitally signs the root of the authentication tree, and stores the digital signature along with the font in a font file (col. 4, lines 22-32). Simon does not disclose any need or reason for the signing module to apply any information to a font template or a glyph outline.

Anticipation

The argument set forth above points out the various elements of the claims that are not found in the reference relied on for the §102 rejections. The law on the issue is not in dispute. Anticipation under section 102 requires "the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim". *Jamesbury Corp. v. Litton Industrial Products, Inc.*, 756 F.2d 1556, 225 USPQ 253, 255 (Fed. Cir. 1985) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983)), *see also Panduit Corp. v. Dennison Manufacturing Co.*, 774 F.2d 1082, 1101, 227 USPQ 337, 350 (Fed. Cir. 1985) (same). In the case of the Simon reference, the examiner has misinterpreted the Simon disclosure and ignored specific limitations of the claims, the elements of which are not found in the Simon disclosure. The Board is urged to overrule the rejections of claims 1-20 as being anticipated by the cited reference.

Overruling of the Examiner's rejections of claims 1-20 is respectfully requested.

Respectfully submitted,
Charles J. Gadzik,
E. Lee Klosterman,
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Date 10/04/02
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APPENDIX: CLAIMS

1. A method for creating at least one operating system font from a printer metrics file containing at least one set of font metrics, each set of font metrics representing one font, the method comprising:

- (a) opening a printer metrics file;
- (b) reading one set of the at least one set of font metrics from the printer metrics file; and,
- (c) creating an operating system font from the one read set of font metrics.

2. The method of claim 1 wherein reading the one set of font metrics includes reading at least the width and height of the font represented by the one read set of font metrics.

3. The method of claim 1 wherein creating the operating system font from the one read set of font metrics includes:

- (a) applying the one read set of font metrics to a font template; and,
- (b) saving the font template as an operating system font.

4. The method of claim 1 further including installing the operating system font on an operating system.

5. The method of claim 4 further including registering the operating system font with an operating system.

6. The method of claim 1 further including:

- (a) determining a name for the operating system font; and,
- (b) recording the name of the operating system font with a printer driver associated with the printer metrics file.

7. The method of claim 1 further including repeating steps (b) and (c) for each of the at least one set of font metrics contained in the printer metrics file.

8. A system for creating at least one operating system font from a printer metrics file containing at least one set of font metrics, each set of font metrics representing one font, the system comprising:

- (a) means for opening a printer metrics file;
- (b) means for reading one set of the at least one set of font metrics from the printer metrics file; and,
- (c) means for creating an operating system font from a read set of font metrics.

9. The system of claim 8 wherein the means for reading the one set of font metrics includes means for reading at least the width and height of the font represented by the one set of font metrics.

10. The system of claim 8 wherein the means for creating the operating system font from the one set of font metrics includes:

- (a) means for applying the one set of font metrics to a font template; and,
- (b) means for saving the font template as an operating system font.

11. The system of claim 8 further including means for installing the operating system font on an operating system.

12. The system of claim 11 further including means for registering the operating system font with an operating system.

13. The system of claim 8 further including:
- (a) means for determining a name for the operating system font;
- and,
- (b) means for recording the name of the operating system font with a printer driver associated with the printer metrics file.

14. A program storage device readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer to perform method steps for creating at least one operating system font from a printer metrics file containing at least one set of font metrics, each set of font metrics representing one font, the method steps comprising:

- (a) opening a printer metrics file;
- (b) reading one of the at least one set of font metrics from the printer metrics file; and,
- (c) creating an operating system font from the one read set of font metrics.

15. The program storage device of claim 14 wherein the method step of reading the one set of font metrics includes a method step of reading at least the width and height of the font represented by the one read set of font metrics.

16. The program storage device of claim 14 wherein the method step of creating the operating system font from the one read set of font metrics includes the method steps:

- (a) applying the one read set of font metrics to a font template; and,
- (b) saving the font template as an operating system font.

17. The program storage device of claim 14 wherein the method steps further include installing the operating system font on an operating system.

18. The program storage device of claim 17 wherein the method steps further include registering the operating system font with an operating system.

19. The program storage device of claim 14 wherein the method steps further include:

- (a) determining a name for the operating system font; and,
- (b) recording the name of the operating system font with a printer driver associated with the printer metrics file.

20. The program storage device of claim 14 wherein the method steps further include repeating the method steps (b) and (c) for each of the at least one set of font metrics contained in the printer metrics file.

IN THE
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TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith in **triplicate** is the Appeal Brief in this application with respect to the Notice of Appeal filed on 09/09/02.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$320.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$110.00
() two months	\$400.00
() three months	\$920.00
() four months	\$1440.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **08-2025** the sum of \$320.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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